



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

This case sets forth emphatically the principle that the habitual acts of a servant may revoke any express instructions to the public by the master; for the injured plaintiff was well warranted in believing that the master had waived the prohibition. This decision, of course, still leaves open the question as to *what* and *how many* acts of the servant will constitute a waiver of the prohibition by the master; or, on the other hand, will it be necessary that a plaintiff should have observed acts of waiver previous to the occasion of his injury.

TAXATION OF BICYCLES—CONSTITUTIONALITY OF STATUTE.—*ELLIS v. FRAZIER*, 63 Pacific 642 (Oregon).—Oregon Laws of 1899, p. 152, authorized a special tax of \$1.25 on bicycles for the purpose of constructing and maintaining bicycle paths on highways and other places. *Held*, in violation of the Constitution, which provides that rates of taxation and assessment shall be equal and uniform.

This act was designed as a means of raising revenue, hence the burden imposed was a tax and not a license. A specific tax of one cent on each acre of taxable land in a certain township was not an equal and uniform tax. *Bright v. McCullough*, 27 Ind. 223. As the use of a bicycle tends to its destruction and the price depends upon its age, pattern, condition, and the material of which it is composed, so that the value must be variant, an act which levies \$1.25 upon each bicycle in use, irrespective of its value, is plainly not an equal and uniform one.

UNITED STATES—CUSTOMS DUTIES—STATUS OF ANNEXED TERRITORY.—*CROSSMAN ET AL. v. UNITED STATES*, 105 Fed. Rep. 608.—The provision of the joint resolution for the annexation of the Hawaiian Islands which retained in force the same customs duties between Hawaii and the ports of the United States as formerly, is constitutional.

The opinion in this case is brief but extremely well considered. It is of great interest as the first decision of a Federal court defining the status of Hawaii. The decision in this case follows the line of argument laid down in the two Porto Rican cases, *ex-parte Ortiz*, 100 Fed. Rep. 955; *Goetze v. United States*, 103 Fed. Rep. 72. However, this case differs from both of the cases cited above in establishing the power of Congress to govern acquired territory in that Hawaii was not acquired by treaty with any foreign power and does not involve military occupation but is, by act of Congress, a part of the territory of the United States.

WILLS—TRUSTS—INTENTION.—*DAVIES v. DAVIES*, 85 N. W. 201 (Wis.).—A will drawn by the testator left all his estate to his widow "to hold in trust" for his infant son. *Held*, that, considering all the circumstances, and the will as a whole, and the fact the testator, though educated, might have been ignorant of the technical meaning of the words "in trust," the intention must have been to give the widow a beneficial interest.

This result carries the rules governing construction to a considerable length. Where a testator uses technical words, he is supposed to employ them in a technical sense unless there is a clear intention otherwise. *Fetrow's Estate*, 58 Pa. St. 424. Furthermore, the words "in trust" are less likely to a mistaken use than other common technical words like "heirs" and "legatee."